THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.6528 of 2007

Between:

C.Subba Rao.

.. PETITIONER

and

Municipal Corporation of Hyderabad.

.. RESPONDENT

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ORDER:

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Heard the learned counsel for the petitioner as well as the learned

Standing Counsel for the respondent.

It is stated that the petitioner is the absolute owner and possessor of the property bearing Municipal No.16-1-563 and 563/A/B, consisting of ground and first floor admeasuring 88 sq. yards, equivalent to 73.50 sq. mts., situated at Saidabad, Hyderabad. He has purchased the said property from one Smt.G.Gouri Bai, W/o.G.Surender, vide registered sale deed document No.2487/2004, dated 21-07-2004.

While so, the Assistant City Planner, Circler No.1 and Town Planning Assistant, Circle No.1, handed over the rough sketch plan showing the effected portion of the premises bearing No.16-1-563/B situated at Saidabad, under proposed 80 feet wide road from Chanchalguda junction to Madannapet Graveyard via Saidabad A.C.P. Office.

It is stated that the said rough sketch plan has been handed over on 18-03-2007. Even as per the said rough sketch plan, the respondent is taking the said property leaving an extent of 5 to 10 sq. yards, which will be useless and, therefore, it is for the respondent to acquire the entire land of 88 sq. yards, by following the procedure prescribed under the Land Acquisition Act, 1894.

I am not inclined to express any opinion with regard to the said contention, as the respondent cannot acquire any property of the petitioner, without following the due procedure prescribed under law either under Section 146 or 147 of H.M.C.Act, 1955. Further, if the petitioner is not inclined to agree for acquiring the said land, the only course open for the respondent is to acquire the same as contemplated under Section 147 of H.M.C.Act, 1955.

Accordingly, the writ petition is disposed of directing the respondent not to dispossess the petitioner from the property in question or take away

any portion of the property of the petitioner, without acquiring the land in accordance with the procedure prescribed either under Section 146 or 147 of H.M.C.Act, 1955. There shall be no order as to costs.

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02-04-2007

Note:
Issue C.C. in three days

(B/o)

Prv